

**MINUTES OF REGULAR BOARD MEETING
CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT**

Thursday, April 7, 2022

6:30 P.M.

Location: 12500 Alameda Dr. Norman, OK 73026

A. Call to Order

President Amanda Nairn called the meeting to Order at 6:30 pm.

Roll Call:

Board Members Present:

President Amanda Nairn

Secretary Michael Dean

Roger Frech

Kevin Anders

Dave Ballew

Board Members Absent:

Treasurer Jann Knotts

William Janacek

Staff Present:

Kyle Arthur, General Manager

Kelley Metcalf, Office Manager

Tim Carr, Operations & Maintenance Supervisor

Others Present:

Dean Couch

Mark Roberts

Paul Streets

Virtually:

William Janacek

Andy Bruehl

Curt Dikes

Julie Chambers

Chance Allison

Chris Whatley

Mary E. Mach

Robert Nairn

Karla Morton

President Nairn introduced Dr. David Ballew. Mr. Ballew represents Midwest City. Mr. Ballew said he is excited to be a member of the board. Mr. Ballew is an engineer by training and previously worked for AT&T, the University of Oklahoma and most recently was Assistant City Manager of Midwest City.

B. Statement of compliance with Open Meeting Act

Kelley Metcalf, Office Manager, stated the notice of the monthly board meeting had been posted in compliance with the Open Meeting Act.

C. Administrative

1. PUBLIC COMMENT

President Nairn made an opening statement summarizing the following which appeared on the COMCD website prior to the meeting:

THIS IS AN OPPURTUNITY FOR THE PUBLIC TO ADDRESS THE COMCD BOARD. DUE TO OPEN MEETING ACT REGULATIONS, BOARD MEMBERS ARE NOT ABLE TO PARTICIPATE IN DISCUSSION DURING THIS COMMENT PERIOD. COMMENTS WILL BE ACCEPTED FROM THOSE PERSONS ATTENDING IN-PERSON AND THROUGH THE VIRTUAL MEETING OPTION. **YOU ARE REQUIRED TO SIGN-UP IN ADVANCE OF THE MEETING IN ORDER TO BE ELIGIBLE TO MAKE COMMENT. YOU MAY SIGN-UP BY CALLING THE COMCD OFFICE AT 405-329-5228 DURING REGULAR BUSINESS HOURS (8:00AM-4:30PM) OR BY CONTACTING THE OFFICE VIA EMAIL AT admin@comcd.net. PUBLIC COMMENT SIGN-UP WILL END AT 12:00 PM (NOON) CDT ON THURSDAY, APRIL 7TH.** ANY REQUEST RECEIVED AFTER THAT TIME WILL NOT BE ELIGIBLE. WHEN SIGNING-UP, YOU MUST PROVIDE YOUR NAME, CITY OF RESIDENCE AND TOPIC ABOUT WHICH YOU WISH TO SPEAK. EACH COMMENTER WILL BE LIMITED TO THREE MINUTES AND THE ENTIRE COMMENT PERIOD WILL NOT EXCEED ONE HOUR. ELIGIBLE COMMENTERS WILL BE CALLED TO ADDRESS THE BOARD IN THE ORDER IN WHICH THEIR REQUEST WAS RECEIVED. GIVEN THE ONE-HOUR TIME LIMIT, NOT ALL COMMENTERS ARE GUARANTEED THE OPPORTUNITY TO SPEAK. WRITTEN COMMENTS WILL ALSO BE ACCEPTED AND KEPT AS A MATTER OF RECORD FOR THE MEETING. IF ALL COMMENTERS HAVE ADDRESSED THE BOARD PRIOR TO THE ONE-HOUR TIME LIMIT, THE PUBLIC COMMENT AGENDA ITEM WILL BE CLOSED AND THE BALANCE OF THE TIME YIELDED BACK TO THE REMAINDER OF THE AGENDA. THE PRESIDENT RESERVES DISCRETION DURING THE MEETING TO MAKE AN ADJUSTMENT TO THE PUBLIC COMMENT SCHEDULE.

SIGN IN SHEET AVAILABLE UPON REQUEST

There were two requests to speak, and two submitted written comments. Ms. Nairn announced that the District will be accepting written comments after the meeting, as well. The first commenter was Les Smith, who submitted a written comment. Les Smith is a Norman resident, subject- toll road proposed to go through Norman. Ms. Nairn read the comment aloud. The second commenter was Inger Giuffrida who requested to speak. Ms. Giuffrida is the Executive Director of Wild Care of Oklahoma. Ms. Giuffrida is a Norman resident, subject- proposed toll road and its impact on the watershed. The third commenter, Amy Cerato, submitted a written comment. Ms. Cerato is a Norman

resident, subject- Oklahoma Turnpike Authority's history with polluting the watersheds of Oklahoma. Ms. Nairn read the comment aloud. The fourth commenter was to be Mike Smith, a Norman resident, subject- Access Oklahoma impacts. Mr. Smith signed-up to speak, however, he was not present.
WRITTEN COMMENTS AVAILABLE UPON REQUEST

D. ACTION: : PURSUANT TO 82 OKLA. STATUTES, SECTION 541 (D) (10), THE BOARD OF DIRECTORS SHALL PERFORM OFFICIAL ACTIONS BY RESOLUTION AND ALL OFFICIAL ACTIONS INCLUDING FINAL PASSAGE AND ENACTMENT OF ALL RESOLUTIONS MUST BE APPROVED BY A MAJORITY OF THE BOARD OF DIRECTORS PRESENT, A QUORUM BEING PRESENT AT A REGULAR OR SPECIAL MEETING. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND APPROVED, DISAPPROVED, AMENDED, TABLED OR OTHER ACTION TAKEN:

Ms. Nairn, without objection from the Board, moved D5 to the beginning of the action items.

D.5. Draft letter to Oklahoma Turnpike Authority, and corresponding Resolution

Mr. Dean suggested an additional sentence be added to the draft letter, at the beginning of paragraph two. The sentence to be added is "Lake Thunderbird is a federally owned water resource project administered by the Bureau of Reclamation and operated by the COMCD". The version of the letter including this draft language, titled "Revision 1" was made available to the Board members present.

Michael Dean made a motion to amend the original draft letter to Revision 1, seconded by Roger Frech.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes
Motion Passed	

Ms. Nairn stated Bureau of Reclamation sent a letter to OTA and OTA responded. Ms. Nairn stated all documents can be found on the District website in the board packet.

Ms. Nairn asked if further discussion or clarification was needed. Hearing none, Ms. Nairn entertained a motion.

Michael Dean made a motion seconded by Roger Frech to approve the letter as amended, and the corresponding Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent

Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes
Motion Passed	

Ms. Nairn stated the District has regular business to take care of and invited all to stay or exit the meeting. Ms. Nairn announced a small break.

Break time 6:51 PM

Resume time 7:00 PM

D.2. Minutes of the regular board meeting held on Thursday, March 3, 2022, and corresponding Resolution

The minutes were reviewed and finding those in good order as presented, Michael Dean made a motion seconded by Kevin Anders to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Abstain
Member Dave Ballew	Yes
Motion Passed	

D.3. Financial statements for operating account for January 2022, and corresponding Resolution

Mr. Arthur reminded the Board this item was tabled, at the March 3rd meeting, due to one issue and one question. Corrections have been made. Mr. Arthur stated that interest expense for the Del City pipeline loan will be shown as a line item once the loan closes. Charles Wadsack, the District's bookkeeper, has advised that the interest expense is currently being booked as a capitalized expense, as per normal accounting practice. Additionally, Mr. Arthur pointed out that the budgeted amount shown for pumping power has been corrected.

Finding the financial statements in good order Roger Frech made a motion seconded by Dave Ballew to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes
Motion Passed	

D.4. Financial statements for operating account for February 2022, and corresponding Resolution

Mr. Arthur pointed out between the operating account and the treasury fund the balance is \$1.77 million. The balance is a decrease of two hundred sixty-three thousand from the prior month, due to the semi-annual construction loan payment of \$218,460.12 and one of the cities' February invoice payments not being received until March. On the profit and loss budget vs actual page, most categories are under budget. Personnel expenses are over, due to the new hire that was not forecast.

Finding the financial statements in good order Michael Dean made a motion seconded by Roger Frech to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes
Motion Passed	

D.6. Intergovernmental Agreement with Oklahoma Water Resources Board for routine water quality monitoring at Lake Thunderbird, and corresponding Resolution

Ms. Nairn shared that the District has contracted with OWRB for water quality monitoring for 22 years. A few years ago, bids were requested, however no other price matched OWRB's. Mr. Arthur announced that Curt Dikes and Julie Chambers, from OWRB, are attending the meeting virtually if anyone has questions. Mr. Arthur informed the board that the cost for the water quality monitoring is \$64,013.00, which is an increase of \$1289.00 from last year. The proposed agreement includes additional sampling events. Discussion was held, and it was agreed upon, if an abnormality occurs that that be communicated as soon as possible.

Mr. Arthur reminded everyone that the trends analysis will be a first step to look at 22 years of data. Mr. Arthur suggested getting the 3 cities, Oklahoma City, and Moore together to discuss the findings of the FY 20-21 water quality monitoring. Mr. Paul Streets suggested also including the Lake Thunderbird Watershed Alliance.

Finding the Intergovernmental Agreement in good order as presented Kevin Anders made a motion seconded by Michael Dean to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes

Member Kevin Anders Yes
Member Dave Ballew Yes
Motion Passed

D.7. Letter of engagement of Finley & Cook, PLLC to perform FY 21-22 financial audit, and corresponding Resolution

Mr. Arthur pointed out the cost for the audit increased by 5%. However, there had not been a price increase in several years.

Mr. Arthur recommends Finley & Cook to perform the annual audit. Mr. Allison, from Finley and Cook, attended the meeting virtually. Mr. Allison explained the services provided within the scope of the engagement and asked if there were any questions.

Finding the letter of engagement in good order Michael Dean made a motion seconded by Roger Frech to approve the Resolution.

Roll call vote:

President Amanda Nairn Yes
Treasurer Jann Knotts Absent
Secretary Michael Dean Yes
Member William Janacek Absent
Member Roger Frech Yes
Member Kevin Anders Yes
Member Dave Ballew Yes
Motion Passed

D.8. Amendment to the CMO Plan adopting the revised and restated OkMRF Master Defined Contribution Retirement Plan, and corresponding Resolution

Mr. Whatley attended the meeting virtually. Mr. Arthur stated every 6 years there is a determination letter process that occurs with the IRS and OkMRF. The CMO (Customized Manager's Option) Plan is due for review. This process is to verify that the Plan meets the IRS's codes as a "qualified plan", in this case 401(a). McAfee & Taft provided OkMRF with a summary that compares the current version of the Defined Contribution Plan and Joinder Agreement with the version recently approved by the Internal Revenue Service. Mr. Whatley said this is a housekeeping item for the fund, which is required by the IRS. Mr. Whatley stated after the document is filed, the IRS will issue the District a determination letter stating the plan qualified and follows all IRS guidance and tax laws.

Finding the CMO Plan and Master Defined Contribution Retirement Plan in good order as presented, Roger Frech made a motion seconded by Kevin Anders to approve the Resolution.

Roll call vote:

President Amanda Nairn Yes
Treasurer Jann Knotts Absent
Secretary Michael Dean Yes

Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes

Motion Passed

D.9. Proposed FY 2023-2025 Budget, and corresponding Resolution

Mr. Arthur stated there were some changes since the last version was presented. The accounts that changed are highlighted in blue. Retirement is now a more accurate figure due to receiving the Actuarial Study from OkMRF, which results in a decrease of \$19,581.00. Training and education increased \$1500. Vehicles repair and maintenance increased \$2500.00. Equipment repair and maintenance increased \$5000.00. These two accounts were increased due to rising gasoline and diesel costs. Insurance increased \$8050.00 due to more up-to-date information.

Mr. Dean asked if the District was still underinsured. Mr. Arthur stated coverage has been increased. The District previously had two million on liability with a one million per occurrence. That has been increased to five million. Mr. Ballew asked about deductibles. Mr. Arthur stated he believed for structure claims the deductible is \$5000 and deductibles vary by asset covered. Mr. Arthur pointed out the pumping power estimate increased from \$525,000 to \$570,000 based upon the anticipation of higher energy costs. Mr. Arthur budgeted approximately 20% above the District's previous 5-year average. Mr. Arthur also explained the cities will be billed on actual usage. Mr. Arthur pointed out the proposed budget, presented tonight, came in \$2500 below the proposed budget presented at the March board meeting.

Michael Dean made a motion seconded by Roger Frech to approve the Resolution.

Roll call vote:

President Amanda Nairn	Yes
Treasurer Jann Knotts	Absent
Secretary Michael Dean	Yes
Member William Janacek	Absent
Member Roger Frech	Yes
Member Kevin Anders	Yes
Member Dave Ballew	Yes

Motion Passed

E.10. Legal Counsel's Report

Mar.3, 2022	Attend monthly meeting of board of directors at COMCD offices
Mar.10, 2022	Revise term permit application and review
Mar. 15, 2022	Review Water Quality Standards concerning date of Sensitive Water Supply designation for Lake Thunderbird and watershed
Mar. 17, 2022	Contact Oklahoma Secretary of State Office of Administrative Rules concerning documents about Water Quality Standards and revisions
Mar. 21, 2022	Review Bureau of Reclamation map of project boundary overlay with turnpike route map from Access Oklahoma

Mar. 24, 2022	Review area of use maps for Norman, Midwest City and Del City provided by Kyle Arthur for term permit application information
Mar. 28, 2022	Review OkMRF documents for approval date compared to stated effective date and communication to Kelley Metcalf about the same
Mar. 29, 2022	Conference call with Kyle Arthur and Amanda Nairn about Open Meeting Law and agenda language to allow public comments and instructions, and review of draft agenda public participation language and communication to Kyle Arthur and Kelley Metcalf about the same
Mar. 30, 2022	Final review of draft agenda language and communication to Kelley Metcalf about same
April 1, 2022	Prepare Legal Counsel report for April 7 monthly meeting

E.11. General Manager's Report

Please see document titled "Manager's Report" in the packet.

E.12. New business (any matter not known prior to the meeting, and which could not have been reasonably foreseen prior to the posting of the agenda)

Mr. Streets complemented the District for being proactive on handling of the OTA letter and he thanked Ms. Nairn and Mr. Arthur.

Ms. Nairn announced that if the public wants to contact the District with comments, that that would be optional for quite some time.

E. Adjourn

There being no further business, President Nairn adjourned the meeting at 8:19 P.M.